UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

DROPBOX, INC., a Delaware corporation, Plaintiff, v. THOMAS SKYBAKMOEN, an individual, Defendant.	CASE NO.: A16MC0066LY CASE IN OTHER COURT: No. 3:15-cv-01741-EMC (N.D. Cal.)

DECLARATION OF JOHN L. SLAFSKY IN SUPPORT OF DROPBOX, INC.'S UNOPPOSED MOTION TO COMPEL COMPLIANCE WITH SUBPOENA

I, John L. Slafsky, declare as follows:

1. I am an attorney at the law firm of Wilson Sonsini Goodrich & Rosati, P.C., counsel for Plaintiff Dropbox, Inc. ("Dropbox"). I am licensed to practice before the courts of the States of California and New York, and have filed a motion for admission *pro hac vice* concurrent with this declaration. I have knowledge of the following facts, and if called upon would and could testify competently thereto.

2. On December 4, 2015, Dropbox served a subpoena on Mr. Skybakmoen's attorney, Richard Alexander. Exhibit A is a true and accurate copy of the subpoena served on Mr. Skybakmoen. The subpoena sought testimony and "[a]ll documents relating to (1) any claim by Thru Inc. that its use of the term 'Dropbox' is a trademark; (2) any agreements between you and Thru Inc.; (3) Lee Harrison; (4) use of the term 'Dropbox' by any company; and (5) any claim by Officeware Corp. d/b/a FilesAnywhere that its use of 'Dropbox' is a trademark."

3. On December 17, 2015, I spoke with Mr. Skybakmoen's attorney via telephone. Mr. Skybakmoen's attorney stated that because of an NDA, Mr. Skybakmoen would be holding back from production all documents and testimony that he thought could be Thru-confidential material. At that time, counsel for Dropbox responded that a subpoena has the power of the court and allows for Mr. Skybakmoen to produce documents and testify regarding Thru-

confidential information. Counsel for Mr. Skybakmoen indicated that Mr. Skybakmoen would be willing to provide this information pursuant to a court order, but not pursuant to a subpoena.

4. On January 11, 2016, Mr. Skybakmoen's attorney provided a log of files that Mr. Skybakmoen withheld due to an NDA. The log includes numerous filenames, including "Marketing tactical plan proposal," "External Roadmap," and "Marketing Expense QB export 2011."

5. Attached as Exhibit B is a true and accurate copy of excerpts of Mr. Skybakmoen's deposition transcript.

6. Attached as Exhibit C is a true and accurate copy of Thru's interrogatory responses served on December 14, 2015.

7. Attached as Exhibit D is a true and accurate copy of Dropbox's complaint filed in the Northern District of California on April 17, 2015.

8. Attached as Exhibit E is a true and accurate copy of Thru's counterclaims filed in the Northern District of California on August 6, 2015.

9. Attached as Exhibit F is a true and accurate copy of the Protective Order entered in the Northern District of California.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on January 28, 2016 in Palo Alto, California.

By: ______________________
JOHN L. SLAFSKY

Attorney for Plaintiff
Dropbox, Inc.